

Thank you for the opportunity to comment on the proposed rulemaking in the matter of digital broadcast copy protection.

I am opposed to current proposal on a number of grounds.

First, a broadcast flag in a digital stream of content, is in itself an alteration of the original content. Consumers should be free to access original content in their native format.

As of now, I do not have the details of how such a digital rights scheme would operate or how it may be implemented in the future, a broadcast flag may be abused for other purposes and these risks should be carefully considered. For example, it may be possible to use the broadcast flag as a means of invading a consumers privacy by tracking viewing patterns and behavior. For example, assuming a broadcast flag is just a few bits in length, it may be possible to individually identify and track consumers, devices and content. The opportunities for abuse are effectively endless. While, this Orwellian scenario may seem a bit absurd today, this type of digital content management makes future uses feasible if not probable by those who lack any qualms about doing so.

The scheme for a broadcast flag still lacks technical review by qualified researchers, scientists and the public. It would be short sighted to mandate a scheme that shortly thereafter proves to be unusable. Lest us not forget the weak security implemented in DVDs.

Digital content is effectively 1's and 0's. All digital content will at some level be implemented and protected by software. All software is susceptible to security compromise at some point in the chain of development to deployment. Eventually the system will be rendered obsolete sooner rather than later. We have seen this again and again with other digital rights and security protection schemes. It would be practically foolish to rely on such a broadcast flag to solve what is effectively a more fundamental issue. This also doesn't solve the problem in lots of other media formats past and future. Isn't this a bit short sighted for past mistakes?

Of concern is also who has access to control and administer the application of the proposed broadcast flag? Original content producers? Content providers? Equipment makers? Regulators? There are a number of unanswered questions that should be asked, and the answers may differ depending on who has access to manage the broadcast flag. How will the broadcast flag be removed if and when particular content moves into the public domain? How will the flag be modified, removed or added if content licenses change? How will the flag be protected from removal, alteration or addition by rogue third parties who have access to managing the broadcast flag? Who will be responsible for flag management? Can the party responsible be trusted? How will the system be defeated from with the management infrastructure? Will details rely on secrecy? encryption? law enforcement?

Proponents of this copy protection mechanism seem to be putting the cart before the horse. There is conflicting evidence and theories

about digital copyright violations. Digital copyright proponents are effectively pushing the FCC and the public into a system of digital content management without fully evaluating the problems, solutions, alternatives and future problems it will impose. The proponents are effectively strong-arming the FCC to apply a remedy for as of yet debatable problem, threatening that future digital content that is not even available yet will be at risk. This is just completely inappropriate. How can the proponents predict the future of digital content? Aren't they rather, trying to dictate the future of digital content?

Won't this all be for not as this is a U.S. only solution. The world is a global place and with it comes content that travels across its limitless boundaries, particularly in the digital world. This scheme is almost no better (nor more effective) than what has been called the Great Firewall of China, in preventing people's access to content.

Over the past few decades, consumers have often re-purchased the same content on newer medias and media playing equipment. How many times can a consumer buy The Beatles White Album? Now, consumers must buy yet another White Album and proper equipment for which to play it on. This rulemaking is designed to protect who?

Thank you for your time,

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